

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

JANE DOE, et al.

Plaintiffs,

vs.

HOWARD ZUCKER, et al.

Defendants.

Civil Action No.: 1:20 – CV – 0840 (BKS/CFH)

**DECLARATION OF LAWRENCE PALEVSKY,
M.D. IN SUPPORT OF PLAINTIFFS' MOTION
FOR A PRELIMINARY INJUNCTION**

Lawrence B. Palevsky, M.D., pursuant to 28 U.S.C. § 1746 declares under penalty of perjury as follows:

1. My name is Lawrence B Palevsky, MD. I am a NYS licensed pediatrician, a 1987 graduate of the NYU School of Medicine, a 1990 graduate of the Mount Sinai Hospital 3-year pediatric residency , and a 1991 graduate of a 1-year pediatric fellowship in the outpatient department at Bellevue Hospital in the NYU School of Medicine Department of Pediatrics. I was board certified in pediatrics in 1990, and board re-certified in 1997, 2004, and 2011.

2. I write this affidavit in support of the Plaintiffs' motion for a preliminary injunction in the above-named case.

**DECLARATION OF LAWRENCE PALEVSKY, M.D. IN SUPPORT OF PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION - 1**

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2 3. In the last 30 years of my clinical pediatric practice, I have reviewed the medical
3 records, and have heard the stories of hundreds, if not thousands, of children who have
4 experienced legitimate vaccine injuries.
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6 4. Vaccine injuries are real. They can be mild to severe. They can appear differently
7 in all children. And they are more widespread than publicly acknowledged.
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9 5. The CDC and ACIP list of contraindications to vaccinations is but a mere fraction
10 of the known reasons children may be at a significant risk to serious harm from vaccines.
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12 6. It is my medical opinion, based on my clinical experience, and on my extensive
13 reading of vaccine package inserts and the well-established medical and scientific
14 literature, that these vulnerable children are in dire need of NY State's support to protect
15 them from any added harm to their health and to their lives, from further vaccination.
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18 7. This protection is best supported by a sound, legitimate, and science-based
19 medical exemption, written by treating NYS medically licensed physicians, who have
20 direct experience and relationships with their pediatric patients. These determinations are
21 clinical in nature and cannot be artificially narrowed to a few of the many recognized
22 potential reasons for caution.
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2 8. The medical opinions of treating physicians need to be respected and accepted,
3 without requiring them to prepare extensively documented medical explanations on
4 school health forms that violate the patients' privacy.
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6 9. The medical opinions of treating physicians need also to be respected and
7 accepted, without physicians fearing personal and professional retribution for rendering a
8 dissenting medical opinion from the state.
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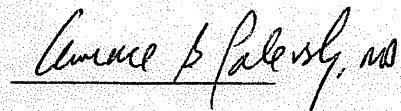
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11 10. It is my medical judgment that these vulnerable children would be put at grave
12 risk, with no accountability or liability on the part of the judicial system, the state, or the
13 medical system mandating vaccinations to enter school, if their medical exemptions are
14 denied against the advice of their treating physicians.
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17 11. Where is the justification for commissioning non-scientifically and non-medically
18 trained citizens, such as school principals and school superintendents, who have no
19 authority or qualifications to render a medical opinion, to decide on the legitimacy of a
20 medical opinion between a doctor and a patient? There is none.
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23 12. It is my medical opinion that NYS restore the acceptance of medical exemptions
24 to vaccination that are appropriately drafted by NYS licensed treating physicians and
25 other qualified health care practitioners. To not do so would be detrimental to the health
26 of NYS's at-risk and vulnerable children.
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2 13. Wherefore, I respectfully support the Plaintiffs motion for relief.
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4 RESPECTFULLY SUBMITTED this 20th day of August 2020
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8 Lawrence B. Palevsky, M.D.
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